IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NOS.966 AND 1006 OF 2004

WRIT APPEAL NO : 966 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/02/2004 in WP NO : 12396 OF 1994 on the file of the High Court.)

Between:

The Managing Director, M/s. Praga Tools Limited,
Kavadiguda, Secunderabad.

..... APPELLANT

AND

1. The Addl. Industrial Tribunal-cum-Labour Court, Ist Floor, Chandravihar, Hyderabad, rep. by its Presiding Officer.
2. G. Radheswar Reddy, S/o. G. Thippa Reddy, R/o.Hyderabad.
3. M. Subba Reddy, S/o. Venkata Subba Reddy, R/o.Hyderabad.
4. K. Chandrappa Naidu, S/o. K. Dose Swami Naidu, R/o.Hyderabad.
5. N. Chandraiah, S/o. Late Pochaiah, R/o.Hyderabad.
6. U. Gangadhar, S/o. U. Dharam Puri, R/o.Hyderabad.
7. T. Murali, S/o. T. Rajaiah, R/o.Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR. P.NAGESWAR SREE

Counsel for Respondent No.1: GP FOR LABOUR

Counsel for Respondents 2 to 7: MR. B.G.RAVINDRA REDDY

WRIT APPEAL NO : 1006 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/02/2004 in WP NO : 12311 OF 1994 on the file of the High Court.)

Between:

The Managing Director, M/s.Praga Tools Limited,
Kavadiguda, Secunderabad. **..... APPELLANT**

AND

1. The Addl. Industrial Tribunal-cum-Labour Court, 1st Floor, Chandravihar, Hyderabad, rep. by its Presiding Officer.
2. K.Palalochana Rao, s/o.late K.Sundara Chary, r/o.H.No.EW-5-882 KPHB Colony, Hyderabad-72.
3. T.V.Subba Reddy, s/o.T.Satyanarayana Reddy, Bharat Nagar Colony, Sanathnagar, Hyderabad-18.
4. R.Dhananjaya Reddy, s/o.R.Malla Reddy, LIGH-219, Bharat Nagar Colony, Sanathnagar, Hyderabad.
5 M.Jayamma, w/o.M.Jayarami Reddy, E.W.S.H.-963, Bharat Nagar Colony, Sanathnagar, Hyderabad-18.

.....RESPONDENTS

Counsel for the Appellant: MR. P.NAGESWAR SREE

Counsel for Respondent No.1: GP for Labour

Counsel for Respondents 2 to 5: MR. B.G.RAVINDRA REDDY

The Court made the following

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COMMON JUDGMENT:

(Per G.Bikshapathy, J)

1. Both the writ appeals arise out of a common judgment of the learned Single Judge passed in Writ Petition Nos.12311 and 12396 of 1994, dated 27.02.2004 and accordingly they are disposed of under common judgment.

2. An industrial dispute was raised by the workmen, wherein justification for denying the continuity of service to the workmen, was the subject matter in dispute. The tribunal held that denying the continuity of service to the workmen was held to be unjustified and accordingly passed Awards directing that they should be reinstated

into service. Against the said Awards, the Management filed the aforesaid writ petitions. The learned Single Judge after hearing the parties, modified the Award to the following effect:

> "Reinstatement of the workmen with continuity of service but without any back wages. However the workmen are not entitled for the wages for the period they were kept out of service. Their salary and other emoluments shall be fixed on notional basis on par with their juniors as on the 1st January, 2004."

Against the said order, the present writ appeals have been preferred by the Management.

3. The learned Counsel appearing for the appellant-Management submits that the order passed by the learned Single Judge is in capable of being implemented inasmuch as the Company has become sick and it is not able to engage the workmen any further and that the Factory is now being shifted to other place. In the interest of the Company, it introduced Voluntary Retirement Scheme and the said scheme is still in force and it is impossible to implement the orders of the learned Single Judge. Further, he submits that all the workmen have not reported to duty except 2/3 workers. Therefore, the question of reinstating them does not arise. We are not inclined to adjudicate the matter. It is for the management to deal with the situation. We do not find any ground to interfere with the Order passed by the learned Single Judge. In fact the learned Single Judge obviously taking into consideration the weak financial position of the company denied back wages.

4. Accordingly, both the writ appeals are dismissed as devoid of merits. No costs.

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(G.BIKSHAPATHY, J)

Dated: 5th July, 2004.

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(B.SESHASAYANA REDDY, J)

DEPUTY REGISTRAR

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Copies to

1.The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

2.The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).

3.The Presiding Officer, Addl. Industrial Tribunal-cum-Labour Court,

1st Floor, Chandravihar, Hyderabad.

4.Two CCs to the learned Government Pleader for Labour,

High Court Buildings, Hyderabad (O.U.T).

5.Two CD copies.